

Secretary shall also specify the term of office for each member. To the extent practicable, one-third of the members shall serve for 1-year, one-third shall serve for 2-years, and one-third shall serve for 3-years. No person may serve more than two consecutive 3-year terms, except that elected officers shall not be subject to the term limitation while they hold office.

**§ 1280.411 Acceptance of appointment.**

Producers, feeders, and importers nominated to the Board must confirm in writing their intent to serve if appointed, to disclose any relationship with any organization that operates a qualified State or regional program or has a contractual relationship with the Board and to withdraw from participation in deliberations, decision making, or voting on matters that concern the aforementioned disclosed relationships.

**§ 1280.412 Verification.**

The Secretary shall have the right to examine at any time the books, documents, papers, records, files, and facilities of nominating units as the Secretary deems necessary to verify the information submitted and to procure such other information as may be required to determine whether the unit is eligible to nominate sheep producers, feeders, or importers for appointment to the Board.

**§ 1280.413 Confidential treatment of information.**

All documents submitted in accordance with this subpart shall be kept confidential by all employees of the Department. Nothing in this section shall be deemed to prohibit the disclosure of such information so furnished or acquired as the Secretary deems relevant and then only in the issuance of general statements based upon the reports of a number of persons subject to the Order or statistical data collected therefrom, when such a statement or data does not identify the information furnished by any one person.

**§ 1280.414 Paperwork Reduction Act assigned number.**

The control number assigned to the information collection requirements in Part 1280 by OMB pursuant to the Paperwork Reduction Act of 1980 is OMB 0581-0093.

Subpart D—[Reserved]

Subpart E—[Reserved]

Dated: May 26, 1995.

**Lon Hatamiya,**

*Administrator.*

[FR Doc. 95-13485 Filed 6-1-95; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-NM-191-AD]

#### **Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes Equipped with SOGERMA-SOCEA Pilot, Co-Pilot, and Third Occupant Seats**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Model A310 and A300-600 series airplanes, that would have required repetitive inspections to detect distortion and/or cracks on the attachment brackets of the backrest recline control locks of certain seats. That proposed AD would have also required replacement of cracked or distorted brackets and their associated attachment fittings with new parts, which would have terminated the repetitive inspection requirements. That proposal was prompted by a report of failure of the bracket of the backrest recline control lock on a seat due to fatigue-related cracking. This action revises the proposed rule by requiring repetitive inspections following replacement of cracked or distorted brackets and by providing a new optional terminating modification for the repetitive inspections. The actions specified by this proposed AD are intended to prevent fatigue-related cracking and/or distortion, which could result in failure of the seat backrest attach fitting, and the subsequent uncommanded 50° angle recline of the pilot or co-pilot seat; this situation could lead to the temporary inability of the pilots to control the airplane.

**DATES:** Comments must be received by June 23, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-191-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from SOGERMA-SOCEA, Group Aerospatiale, Product Support Department, B.P. 109, 17303 Rochefort Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1320.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-191-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No.

94-NM-191-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Airbus Model A310 and A300-600 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on December 16, 1994 (59 FR 64872). That NPRM would have required repetitive detailed visual inspections to detect distortion and/or cracks on the attachment brackets of the seat backrest recline control locks. That NPRM would have also required replacement of both of the brackets and their associated attachment fittings with new parts; this replacement would have constituted terminating action for the repetitive inspection requirements. That NPRM was prompted by a report of failure of the bracket of the backrest recline control lock on a seat due to fatigue-related cracking. Fatigue cracks and/or distortion of the bracket of the backrest recline control lock, if not detected and corrected in a timely manner, could result in failure of the seat backrest attach fittings, and the subsequent uncommanded 50° angle recline of the pilot or co-pilot seat; this situation could lead to the temporary inability of the pilots to control the airplane.

Due consideration has been given to the comments received in response to the NPRM:

Two commenters request that the FAA revise the proposed rule to include SOGERMA-SOCEA Service Bulletin 25-233 as an optional terminating modification for the repetitive inspection requirements.

The FAA concurs. Since the issuance of that NPRM, SOGERMA-SOCEA has issued Service Bulletin 25-233, Revision 1, dated January 9, 1995, which describes procedures for modification of the backing of the control locks fittings of the backrest recline. This modification involves replacing lock washers with a back-plate and a flat washer. Accomplishment of this modification would eliminate the need for the repetitive inspections. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, approved this service bulletin and issued French airworthiness directive 94-188-162(B) R1 in order to assure the continued airworthiness of these airplanes in France.

The FAA examined the findings of the DGAC and reviewed the new service information. The FAA finds that

replacement of the distorted or cracked brackets, as specified in the proposal, cannot preclude further cracking or distortion in the seat backrest attach fittings. Therefore, to ensure safety of the fleet, the FAA finds that inspections of the attachment brackets of the backrest recline controls locks of certain seats must be performed repetitively following replacement of distorted or cracked brackets, as specified in the French airworthiness directive. The FAA has revised paragraph (a) of this supplemental NPRM accordingly. In addition, the FAA has revised this supplemental NPRM to provide a new optional terminating modification for the repetitive inspections, as described in SOGERMA-SOCEA Service Bulletin 25-233 and specified in the French airworthiness directive.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA estimates that 49 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$11,760, or \$240 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the optional terminating action that would be provided by this proposed AD action, the number of hours required to accomplish it would be approximately 1 per airplane, at an average labor charge of \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the optional terminating action on U.S. operators would be \$60 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Airbus Industrie:** Docket 94-NM-191-AD.

**Applicability:** Model A310 and A300-600 series airplanes equipped with SOGERMA-SOCEA pilot, co-pilot, and third occupant seats; as listed in SOGERMA-SOCEA Service Bulletin 25-229, dated November 26, 1993; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no

case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent fatigue cracks and/or distortion in the seat bracket of the backrest recline control lock, which could result in failure of the seat backrest attach fittings, the uncommanded 50° angle recline of the pilot or co-pilot seat, and, subsequently, lead to the temporary inability of the pilots to control the airplane, accomplish the following:

(a) Prior to the accumulation of 10,000 total flight hours or within 500 flight hours after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect distortion and/or cracks on the attachment brackets of the backrest recline control locks of certain seats, in accordance with SOGERMA-SOCEA Service Bulletin 25-229, dated November 26, 1993.

(1) If no bracket is distorted or cracked, repeat the inspection thereafter at intervals not to exceed 5,000 flight hours.

(2) If any bracket is distorted or cracked, prior to further flight, accomplish paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace both of the brackets and their associated attachment fittings with new parts, in accordance with SOGERMA-SOCEA Service Bulletin 25-229, dated November 26, 1993. Thereafter, repeat the inspection at intervals not to exceed 5,000 flight hours. Or, (ii) Modify the backing of the control locks fittings of the backrest recline, in accordance with SOGERMA-SOCEA Service Bulletin 25-233, Revision 1, dated January 9, 1995. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

(b) Modification of the backing of the control locks fittings of the backrest recline, in accordance with SOGERMA-SOCEA Service Bulletin 25-233, Revision 1, dated January 9, 1995, constitutes terminating action for the repetitive inspection requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 26, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-13504 Filed 6-1-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-28-AD]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737 series airplanes. This proposal would require revising the FAA-approved Airplane Flight Manual (AFM) to provide the flightcrew with additional procedures for shutting down the auxiliary power unit (APU) when an APU fire is indicated. This proposal is prompted by reports indicating that a latent electrical failure exists in the fire extinguishing system for the APU; this failure could prevent the APU from shutting down and fire extinguishant from discharging into the APU compartment in the event of an APU fire. The actions specified by the proposed AD are intended to ensure that the flightcrew is provided with procedures for shutting down the APU in the event of an APU fire.

**DATES:** Comments must be received by July 31, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-28-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Stephen Bray, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2681; fax (206) 227-1181.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the

proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-28-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-28-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA received two reports indicating that a latent electrical failure exists in the fire extinguishing system of the auxiliary power unit (APU) on Boeing Model 737 series airplanes. The FAA-approved Airplane Flight Manual (AFM) for these airplanes currently contains procedures that require the flightcrew to pull and rotate the flight compartment fire handle when an APU fire is indicated. When the flightcrew takes such action, the APU shuts down and fire extinguishant discharges into the APU compartment. However, if a latent electrical failure exists in the fire extinguishing system of the APU, this failure could prevent the APU from shutting down and fire extinguishant from discharging when the flightcrew pulls and rotates the fire handle. A latent electrical failure in the fire extinguishing system of the APU, if not corrected, could result in the inability of the flightcrew to extinguish an APU fire.

In light of this information, the FAA finds that the procedures specified